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In the Supreme Court of the United States

JERRY GREENBERG,
Petitioner,

v.

NATIONAL GEOGRAPHIC SOCIETY, ET AL.,
Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

BRIEF OF *AMICI CURIAE* IN SUPPORT OF PETITIONER

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INTEREST OF *AMICI CURIAE*

The American Society of Media Photographers, Inc. ("ASMP"), the Graphic Artists Guild ("GAG"), the North American Nature Photography Association ("NANPA"), the Stock Artist Alliance ("SAA"), the National Press Photographers Association ("NPPA"), the Advertising Photographers of America ("APA"), and the Picture Archive Council of America ("PACA"), (collectively "Greenberg *Amici*"), respectfully submit this brief as *amici curiae* in support of the Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit filed by petitioner Jerry Greenberg on September 29, 2008. A complete listing of the organizations joining this brief as *amici curiae*, together with a brief description of each organization, is set forth in Appendix A.[1]

The Greenberg *Amici* represent the interests of *tens of thousands* of freelance creators in the United States and abroad who depend upon their U.S. copyright rights for their livelihoods and their retirements. Freelance photographers, artists, writers and other creators of copyrightable works (collectively, "freelance creators") are independent

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[1] Pursuant to this Court's Rule 37.6, the Greenberg *Amici* state that no counsel for any party authored this brief in whole or in part, and that no person or entity other than *amici*, its members, or its counsel, made a monetary contribution to the preparation or submission of this brief. Petitioner Jerry Greenberg is a member of the ASMP, one of the amici organizations filing this brief. The parties have consented to the filing of this *amici curiae* brief, and letters evidencing such consent have been filed with the Clerk of this Court, pursuant to S.Ct. R. 37.3.

businessmen and women for whom the copyright system is a sustaining lifeblood. They create copyrighted works on their own, or on assignment from publishers or other entities, and when those works are published, the copyright law guarantees them the right to retain the copyright in their contributions to the collective works of which they are an essential part. By retaining the copyright in those contributions, freelance creators assure themselves of having the right to control, and to benefit from, any further commercial exploitation of their works.

The limited privilege granted to publishers in Section 201(c) of the Copyright Act, as this Court recognized in *New York Times Co. v. Tasini*, 533 U.S. 483 (2001), was never intended to divest freelance creators of their rights in new collections of previously published works. Yet the decision below threatens, once again, to convert Section 201(c) of the Copyright Act into a weapon to be used against freelance creators for the benefit of publishers. That was precisely what this Court sought to avoid in its *Tasini* decision, and unfortunately, the decision below signals that this battle is not yet over.

It is, therefore, ironic, if not tragic, that the genesis of this dispute was the National Geographic Society's refusal to compensate one of its prolific contributing authors, Jerry Greenberg, for the republication of over 60 of his photographs in an electronic compendium of 1200 past issues of National Geographic Magazine entitled "The Complete National Geographic" ("CNG"). Well over one million copies of the CNG have been sold, generating tens of millions of dollars for the National Geographic Society. Yet not one penny of that

revenue has been paid to Jerry Greenberg and the other freelance photographers whose work made the National Geographic Magazine an iconic testament to the communicative power of photography.

Freelance creators mistakenly believed that this Court's decision seven years ago in *Tasini* would put an end to the publishers' pernicious manipulation of Section 201(c) to deprive them of fair compensation for the republication of their works in new, digital compendia. But the decision of the Eleventh Circuit in this case, following on the footsteps of the Second Circuit's similar decision in *Faulkner v. National Geographic Enterprises*, 409 F.3d 26 (2d Cir. 2005), proves otherwise.

Disregarding the clear teaching in *Tasini* about the purpose and scope of Section 201(c), the Eleventh and Second Circuits have endorsed the National Geographic Society's misuse of the Section 201(c) privilege to the detriment of Jerry Greenberg and all freelance creators whose livelihoods and ability to survive in a very tough economic environment are thereby put at risk. By classifying the CNG as a "revision" of each of the 1200 past issues of the National Geographic Magazine included in it, these Circuits have turned the intended beneficiaries of the Section 201(c) compromise into its victims.

Absent this Court's intervention, the consequences of the Eleventh and Second Circuit's dismantling of the Section 201(c) compromise for freelance creators and for the public are daunting. In an information age in which unauthorized digital reproductions of copyrighted works are commonplace on the Internet and elsewhere, freelancers rely more

than ever on the income generated by the authorized republications of their best and most marketable works. The demise of many magazines and other periodicals, the declining circulation of newspapers and the transition to new business models based upon electronic media have drastically reduced the opportunities for freelancers to generate income from their published works.[2] The new business models include online, electronic archives that are becoming almost commonplace. Many large publishers, including The New York Times, Sports Illustrated, Time Magazine, People Magazine, Entertainment Weekly, and The Atlantic have online archives available, whereby users can search and retrieve the individual articles and photographs of the original publications.[3] Thus, when the works of freelance

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[2] *See* David Carr, *Mourning Old Media's Decline*, N.Y. Times, Oct. 29, 2008, at B1 (discussing the grim economy for print publishers, including the Christian Science Monitor, which recently declared it would cease publication of its weekday paper).

[3] http://www.nytimes.com/ref/membercenter/nytarchive.html; http://vault.sportsillustrated.cnn.com/; http://www.people.com/people/archive/0,,,00.html; http://www.ew.com/ew/inside/archive/0,,,00.html; http://www.theatlantic.com/magazine/backissues.mhtml. Furthermore, other publishers are creating DVD compendiums of previous issues that are being offered for sale. http://www.bondidigital.com (follow "News" link; then follow "Bondi and Playboy Enterprises" link); http://www.amazon.com/RollingStone40YearsCover/dp/0981766005/ref=sr_1_7?ie=UTF8&s=software&qid=1225233451&sr=17; http://www.thenewyorkerstore.com/books_completenewyorker_middle.asp?affiliate=TNYS06_TNYCN; http://www.amazon.com/AbsolutelyMADMagazine50Years/dp/B000HKMQ64. These collections, which include Playboy, Rolling Stone, The New Yorker, and MAD magazine are very similar to the CNG at issue in this case.

creators do get published, the digital revolution has destroyed what used to be a thriving secondary market for their contributions to collective works.

The "significant economic loss" suffered by freelance creators in the wake of enactment of the 1976 Copyright Act (despite its intended purposes), combined with the digital revolution, was a harsh reality recognized by the Register of Copyrights, Marybeth Peters, and by this Court in *Tasini*. 147 Cong. Rec. 2062-64 (2001) (letter of M. Peters); *Tasini*, 533 U.S. at 497 n.6. At the same time, as the Register presciently predicted, that same revolution "has given publishers opportunities to exploit authors' works in ways barely foreseen in 1976." 147 Cong. Rec. 2062-64 (2001) (letter of M. Peters).[4]

The CNG is a perfect example of this unforeseen exploitation of contributions to collective works for the benefit of publishers and to the detriment of freelance creators. The CNG is a new collective work, offered with digital enhancements such as a video of famous covers (featuring one of Jerry Greenberg's photographs) and software to afford users greater functionality. Despite these enhancements, it is the beauty and expressive quality of the photographs in each of the 1200 National Geographic Magazines included in the CNG wherein its value and marketability reside. Yet Jerry Greenberg and other well-known

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[4] Consistent with the statement of Register of Copyrights, Mary Beth Peters, the incomes and day rates for freelance creative artists are not even keeping up with the rate of inflation. Richard Weisgrau, *An ASMP White Paper by Richard Weisgrau*, http://www.asmp.org/publications/whitepaper1.php (last visited Oct. 29, 2008).

photographers who contributed to the National Geographic Magazine over many years derive no benefit from this unauthorized exploitation of their most valuable and often most memorable images. This unauthorized exploitation is predicated on the fiction that the CNG is a "revision" of each of the issues contained within it—a fiction that only this Court can erase.

If allowed to stand, however, this fiction will resonate powerfully in the marketplace. The Section 201(c) "presumption" becomes a cold, hard reality for the overwhelming majority of freelancers who lack the stature and bargaining power to overturn it by contract. If the CNG is a "revision" of the prior issues of National Geographic Magazine, the door is open for every publisher to republish past issues of their collective works in a new collection without paying royalties to the contributors whose works lay at the heart of both the past issues and the new collection. Few, if any, individual photographers, artists, writers or other freelancers would ever be able to insist upon or collect a royalty from sales of the new collection.

In *Tasini*, this Court rejected the publishers' economic argument that if required to negotiate rights over royalties for the reuse of previously published collective works, the dissemination of new collections incorporating some or all of the original contributions would be obstructed. *Tasini*, 533 U.S. at 497. The reality is that freelance creators are more than willing to authorize publishers to reuse contributions to collective works in exchange for payment of a fair

royalty. And the disparity in bargaining power, recognized by this Court in *Tasini*,[5] has grown even worse, magnified by the brutal economic circumstances in which freelance creators are operating today.

The eventual result of the Eleventh Circuit's misapplication of *Tasini* in the present case is the conversion of the Section 201(c) "presumption" into a marketplace reality from which there is no escape for freelance creators. In the end, the consequences would be borne not only by freelancers, but by the public that would never see or enjoy the future works of existing and future freelancers whose careers were destroyed or curtailed by publishers unwilling to pay any compensation for the electronic exploitation of the creators' previously published works.

SUMMARY OF ARGUMENT

As this Court recognized in *Tasini*, the 1976 Copyright Act fundamentally altered the relationship between the rights afforded "authors" (in the Constitutional sense) and publishers. The copyright laws in this country had historically favored publishers' interests over those of authors in a myriad of ways. In the work made for hire provisions of the 1976 Copyright Act (17 U.S.C. § 101) and in Section 201(c) of that statute, Congress substantially realigned the balance between the rights and interests of publishers and authors. The new balance struck in these provisions recognized, consistent with the economic philosophy of the

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[5] *Tasini*, 533 U.S. at 494, 497 n.6.

Copyright Clause of the Constitution, that "encouragement of individual effort [motivated] by personal gain is the best way to advance public welfare." *Tasini*, 533 U.S. at 496 n.3 (citations omitted).

Section 201(c), therefore, was intended to "adjust . . . a publisher's copyright in its collective work to accommodate a freelancer's copyright in her contribution." *Id.* at 497. As this Court made expressly clear in *Tasini*, "[i]f there is demand for a freelance article standing alone *or in a new collection*, the Copyright Act allows the freelancer to benefit from that demand . . . ." *Id.* (emphasis added). Indeed, "[i]t would scarcely 'preserve the author's copyright in a contribution' as contemplated by Congress . . . if a newspaper or magazine publisher were permitted to reproduce or distribute copies of the author's work in isolation *or within new collective works*." *Id.* (emphasis added) (citation omitted).

By any reasonable, commonsense standard, the CNG is precisely such a "new collective work," not a "revision" of each of the 1200 issues of National Geographic Magazine incorporated into the CNG. Yet the Eleventh Circuit, in the decision below, has expanded the meaning of "revision" under Section 201(c) beyond the plain language and intent of Congress, as explained by this Court in *Tasini*. For thousands of freelance creators who see their victory in *Tasini* slipping away, only a second intervention by this Court can prevent Section 201(c) from divesting, rather than preserving, the precious copyright rights of freelancers in their contributions to thousands of magazines, newspapers and other collective works.

ARGUMENT

I. THE LEGISLATIVE HISTORY OF SECTION 201(c) CONFIRMS THAT IT WAS PRIMARILY INTENDED TO BENEFIT AUTHORS AND NOT PUBLISHERS

In interpreting the term "revision" in Section 201(c) to encompass the CNG, the Eleventh Circuit lost sight of the fundamental purpose of that provision, which was to strike a new balance in favor of authors, not publishers. That purpose is made plainly apparent in the legislative history of the compromise ultimately reflected in the language of Section 201(c).

A. The 1909 Act

The 1909 Copyright Act did not distinguish between the copyright in collective works, or "composite works" as they were known then, and the copyright for an individual contribution to such a work. 17 U.S.C. §§ 1, 3, 10 (Copyright Act of 1909, ch. 320, 35 Stat. 1075) ("1909 Act"), repealed by Copyright Act of 1976, Pub. L. No. 94-553, 90 Stat. 2541 (effective Jan. 1, 1978). Rather, each copyright was seen as one, indivisible right such that when the author transferred rights to a publisher for inclusion in a composite work, the entire copyright passed by statute to the publisher. 17 U.S.C. § 3 (1909 Act). There was no option for the author to assign only the right of publication in a composite work. *Tasini*, 533 U.S. at 494.

Compounding the problem, the 1909 Copyright Act did not trigger statutory protection for a copyright until a work was published with the

requisite notice. 17 U.S.C. § 10 (1909 Act). Unless the publication included the author's name in the copyright notice, the law did not recognize the author's copyright. 17 U.S.C. § 18 (1909 Act). Given the superior bargaining power of publishers over authors, the author generally transferred the entire copyright to the publisher, rather than risk his or her contribution falling into the public domain for lack of a proper copyright notice. *Tasini*, 533 U.S. at 494.

B. The Drafting of Section 201(c)

The starting point for what later became Section 201 of the 1976 Copyright Act was the Register of Copyright's 1961 Report on the General Revision of the U.S. Copyright Law. The Report proposed that the author would retain a copyright in his contribution, but that this would be held "in trust" by the publisher, who would own the copyright in the composite work as well as "the right to publish [the contribution] in a similar composite work." Copyright Law Revision, Part 1, at 88.

This initial draft met with substantial opposition, particularly from authors' representatives, who objected to giving the publisher the right to publish the contribution "in a similar composite work." One suggestion by artists was that the publisher's rights in the contribution be confined to the particular composite work in which the contribution was first published. Copyright Law Revision, Part 2 at 152 (explaining recommendation of recording industry). Publishers, on the other hand, feared that a privilege limited to republication of the particular composite work did not go far enough. In particular, encyclopedia and textbook

publishers wanted to ensure the publisher's privilege encompassed "revised editions" of the composite works. Copyright Law Revision, Part 2 at 230. The Register initially resisted this recommendation, but at the publishers' insistence, this change was reflected in the next draft of the bill. Copyright Law Revision, Part 5 at 9; *see* S. 3008, 88th Cong. § 14(c) (1964).

The 1964 draft bill stated that "the owner of copyright in the collective work is presumed to have acquired only the privilege of reproducing and distributing the contribution as part of that particular collective work and any revisions of it." Copyright Law Revision, Part 5, at 9. The "revisions of it" phrase was thereafter amended to read "of that collective work" to address the concern that the publisher could revise the individual author's contribution. Copyright Law Revision, Part 5, at 152. The publishers viewed the privilege of reproductions for revisions very narrowly to cover only "the reproducing and distributing of a contribution as part of a particular collective work." Copyright Law Revision, Part 5, at 149 (quoting A. H. Wasserstrom).

The 1965 draft bill included Section 201(c) as it would be codified in 1976. Copyright Law Revision, Part 6, at 220. In addition to the inclusion of the phrase "revisions of it," this version also included within the privilege "any later collective work in the same series," which was not incorporated into previous versions. Copyright Law Revision, Part 6, at 220. Still, this section was seen as very limited. Copyright Law Revision, Part 5, at 149. In a 1965 Supplementary Report to Congress,

the Register gave examples of the limited scope of "privileges" accorded by Section 201(c):

> Under this presumption, for example, an encyclopedia publisher would be entitled to reprint an article in a revised edition of his encyclopedia, and a magazine publisher would be entitled to reprint a story in a later issue of the same periodical. However, the privileges under the presumption are not intended to permit revisions in the contribution itself or to allow inclusion of the contribution in anthologies or other entirely different collective works.

Copyright Law Revision, Part 6, at 69.

C. The 1976 Act

Prior to enacting the 1976 Act, the House of Representatives issued a 1976 report that sheds further light on the purpose of Section 201(c). The House Report on the 1976 Copyright Act emphasized that "one of the most significant aims of the bill is to clarify and improve the present confused and frequently unfair legal situation with respect to rights in contributions." H.R. Rep. No. 94-1476, at 122 (1976). Like the Act itself, the House Report does not provide a definition of "any revision of that collective work," but the Report does refer to the Section 201(c) privileges as a grant of rights for the publisher to use the individual contributions only "under certain limited circumstances." *Id.* The only example of a "revision" found in the House Report was that a publisher could "reprint an article from a

1980 edition of an encyclopedia in a 1990 revision of it." *Id.*

As suggested by the Register of Copyrights ten years earlier, the House Report acknowledged that the publisher would not be authorized to include the contribution in either a "new anthology" nor "an entirely different magazine or other collective work." *Id.* at 122-23. The Report stated that the "basic presumption" of Section 201(c) was the author's preservation of his copyright in his individual contribution, which the report characterized as "a fair balancing of equities." *Id.* at 122.

II. THE FUNDAMENTAL PURPOSE OF SECTION 201(c) FAVORING AUTHORS WAS CONFIRMED BY THIS COURT IN *TASINI*

In its decision in *Tasini*, this Court answered the question whether the copying of individual articles into electronic databases was privileged under 17 U.S.C. § 201(c). Much like the case at hand, *Tasini* involved a suit between freelance authors who had independently contracted with large print publishers to create an individual contribution for one issue of the publications. 533 U.S. at 489. Suit was filed by the authors, however, when the individual contributions were republished in a large, electronic compendium that included many articles from the publications. *Id.* at 491.

The Court began its analysis by reflecting on the historical importance of the balance that was struck by Section 201(c) and the fact that it was intended to benefit the authors of the individual contributions. *Id.* at 493-97. The Court explained that "[p]rior to the 1976 revision . . . authors risked

losing their rights when they placed an article in a collective work." *Id.* at 494. Citing two Registers of Copyrights, the Court stated "the 1976 revision of the Copyright Act represented 'a break with the two-hundred-year-old tradition that has identified copyright more closely with the publisher than with the author.'" *Id.* at 496 n.3 (quoting Letter from M. Peters to Rep. McGovern, reprinted in 147 Cong. Rec. 2062-64 (2001)). The Court noted that several provisions in the 1976 Copyright Act, including Section 201(c), reflect an "intent to enhance the author's position vis-à-vis the patron." *Id.* at 496 n. 3.

With the legislative history as a backdrop, this Court's *Tasini* decision drew an appropriate line between "revisions" that are privileged under Section 201(c) and new collective works that are not encompassed by that privilege. The Court held that "'[r]evision' denotes a new 'version,' and a version is, in this setting, a 'distinct form of something regarded by its creators or others as one work.'" *Tasini*, 533 U.S. at 500 (citing Webster's Third New International Dictionary 1944, 2545 (1976)).

In determining the meaning of "revision," this Court did indeed examine the context in which the contribution was presented in the "new" collective work, *Tasini*, 533 U.S. at 499-500, but this was not the only factor to be considered in determining whether the new work was a "revision" under Section 201(c). For example, to determine whether it was viewed "by its creators or others as one work," the Court observed that one must consider the marketplace for the work: "If there is demand for a freelance article standing alone or in a new collection, the Copyright Act allows the freelancer to

benefit from that demand; after authorizing initial publication, the freelancer may also sell the article to others." *Id.* at 497.

Accordingly, this Court held that the publishers' reproduction and distribution of the individual contributions in the electronic databases was not privileged by Section 201(c). *Id.* at 506. Rather, the databases represented "new works." *Id.*

III. THE ELEVENTH CIRCUIT'S DECISION DISREGARDS THE FUNDAMENTAL PURPOSE OF SECTION 201(c) AND MISAPPLIES THIS COURT'S PRECEDENT IN *TASINI*

As discussed above, the fundamental purpose of Section 201(c) was to preserve the rights of freelance creators in their contributions to collective works. This purpose was recognized and applied in *Tasini* to reject the publishers' attempt to broaden the scope of the "revision" exception in Section 201(c) in derogation of creators' rights to share in any profits associated with the commercial exploitation of new, digitally based works.

In classifying the CNG as a "revision" of each of the 1200 issues of National Geography incorporated within it, the Eleventh Circuit disregarded both the clear purpose of Section 201(c) and this Court's mandate in *Tasini* as to how that provision should be interpreted and applied. The Eleventh Circuit's reasoning not only flies in the face of Congress' intent and this Court's precedent, it cannot possibly support the misuse of the "revision" exception to disenfranchise freelance creators' rights in their contributions to collective works.

The Eleventh Circuit portrayed the CNG as analogous to microforms discussed by this Court in *Tasini*. App. 12a, citing *Tasini*, 533 U.S. at 501-02. It concluded that "[s]imilar to microform or microfiche, the CNG uses the identical selection, coordination, and arrangement of the underlying individual contributions as used in the original collective works." App. 12a. The court reasoned that if microforms were considered "revisions" of the original contribution under the analysis in *Tasini*, so too should the CNG be considered a "revision" of the 1200 issues of National Geographic Magazine encompassed within it.

The analogy cannot withstand scrutiny and was a transparent attempt to mask the fact that the Eleventh Circuit's reasoning was more in tune with the dissenting opinion in *Tasini* rather than the majority opinion. As pointed out by Judge Birch in his dissenting opinion below, the analogy between microform and the databases at issue in *Tasini* was in fact rejected by the Court: "The Publishers press an analogy between the Databases, on the one hand, and microfilm and microfiche, on the other. We find the analogy wanting." *Tasini*, 533 U.S. at 501. Moreover, nowhere in its majority opinion in *Tasini* did the Court endorse the proposition that microfilm and microfiche (both research tools having no commercial value comparable to an electronic compendium such as the CNG) should, in fact, be considered "revisions" under Section 201(c) of the works comprised within them.

As applied to this case, the analogy is similarly wanting, but for a different reason. The fact is that CNG is not a "revision" under Section 201(c) for one simple yet compelling reason: it did

not "revise" *any* of the 1200 prior issues of National Geographic Magazine incorporated within the CNG, including the four issues that Jerry Greenberg contributed to. Commonsense, level-headed analysis of this sort is nowhere to be found in the opinion below. In stretching the concept of a "revision" in ways that would have stunned the drafters of the Section 201(c) compromise, the Eleventh Circuit has succumbed to muddled thinking that starkly departs from the legislative intent and the plain meaning of the term "revision." And it has twisted this Court's decision in *Tasini* beyond recognition, with dire consequences for freelance creators and the public.

CONCLUSION

The Greenberg *Amici* urge this Court to reaffirm its decision in *Tasini* and make unequivocally clear that new works such as the CNG that seek to exploit the enduring value and power of freelancers' images for the sole benefit of publishers will not be countenanced.

Respectfully submitted,

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APPENDIX

Founded in 1944, the American Society of Media Photographers (ASMP) (originally the Society of Magazine Photographers and later the American Society of Magazine Photographers) is a non-profit professional trade association for photographers who work primarily in the publication field. ASMP promotes photographers' rights, educates photographers in better business practices, produces business publications for photographers and helps purchasers find professional photographers. Over the years, ASMP has been a leading advocate for the protection of the copyright rights of freelance photographers. Together with other organizations, ASMP has filed numerous *amici* briefs in support of photographers and other freelance creators, including the filing of an *amici* brief in the *Tasini* case. ASMP has over 6,000 members in 39 chapters throughout the United States.

The Graphic Artists Guild (GAG) is a national artists union that embraces creators at all levels of skill and expertise, who create art intended for presentation as originals or reproductions. The mission of the Guild is to promote and protect the economic interests of its members, to improve conditions for all creators and to raise standards for the entire industry. Its core purpose is to be a strong community that empowers and enriches its members through collective action. In the course of its 40 year history, GAG has established itself as the leading advocate for the rights of graphic artists on a wide range of economic and legislative issues. GAG also provides a wealth of services and benefits for its members, including educational programs,

employment opportunities, a legal referral network, and grievance handling.

The North American Nature Photography Association (NANPA), is the first and only association in North America committed solely to serving the field of nature photography. NANPA promotes the art and science of nature photography as a medium of communication, nature appreciation, and environmental protection; provides information, education, inspiration and opportunity for all persons interested in nature photography; and fosters excellence and ethical conduct in all aspects of our endeavors. NANPA was designed to be for nature photography, not restricted to photographers. Membership is open to anyone interested in photography of nature and the environment, including professional and serious photographers, editors and publishers, educators, students and corporations.

The Stock Artist Alliance (SAA) is a Section 501(c)(6) non-profit professional organization dedicated to stock photography. SAA is an international association of professional photographers and others who create visual works for stock licensing. The mission of SAA is to support and protect the business interests of professional stock photographers worldwide. SAA provides information resources and advocates the use of equitable business models, fair contracts and ethical practices at all levels of the stock industry. Through dissemination of educational and business information, industry analysis, legal support and its support staff, SAA provides its members with the tools required to create a business environment that enhances their individual abilities to benefit from

the licensing of their intellectual property. SAA monitors the industry and serves as an advocate for its members' interests in dealing with agencies and other distribution channels.

Founded in 1946, the National Press Photographers Association (NPPA) is a 501(c)(6) non-profit professional organization dedicated to the advancement of photojournalism, its creation, editing and distribution, in all news media. NPPA encourages photojournalists to reflect high standards of quality in their professional performance, in their business practices and in their personal code of ethics. NPPA vigorously promotes freedom of the press in all its forms. Its more than 10,000 members include still and television photographers, editors, students and representatives of businesses that serve the photojournalism industry.

Since 1982, the Advertising Photographers of America (APA) has worked to improve the environment for advertising photographers and clear the pathways for professional success. Promoting a spirit of mutual cooperation, sharing, and support, APA offers outstanding benefits and educational programs, while providing essential tools and resources to help members excel in business and achieve their creative goals. Recognized for its broad industry reach, APA works to champion the rights of professional photographers and image makers worldwide. The goal of APA is to establish, endorse, and promote professional practices, standards, and ethics in the photographic and advertising community.

The Picture Archive Council of America (PACA), is a North American trade organization representing the vital interests of stock archives of every size, from individual photographers to large corporations, that license images for commercial reproduction. Founded in 1951, PACA's membership includes over 100 companies in North America and over 50 international members. Through advocacy, education and communication, PACA strives to foster and protect the interests of the picture archive community. PACA develops business standards, promotes ethical business practices; actively advocates copyright protection; collects and disseminates timely information; and takes an active role in the picture community by building relationships with organizations from related industries.